

**REMARKS**

Claims 1-12 have been examined. With this amendment, Applicant adds claims 13 and 14. Support for the new claims is found in original claims 1 and 7. Applicant submits that no new matter has been added. Claims 1-14 are all the claims pending in the application.

**1. Formalities**

Applicant thanks the Examiner for acknowledging the claim for foreign priority.

Applicant requests that the Examiner check the appropriate box under section 12(a), (b) or (c) indicating whether the priority document has been received.

Applicant thanks the Examiner for initialing the references listed on form PTO-1449 submitted with the Information Disclosure Statement filed on July 24, 2001.

**2. Claim Rejections Under 35 U.S.C. § 102**

The Examiner has rejected claims 1, 7, 9 and 10 under 35 U.S.C. § 102(b) as being anticipated by Suonvieri (US 5,831,974) [“Suonvieri”]. For at least the following reasons, Applicant traverses the rejection.

Claim 1 recites a method of managing telecommunication network elements by providing a management function “through one or more terminals placed remotely and simulating the functions of [the] terminals located at [the] network elements.” The Examiner contends that Suonvieri discloses the claimed combination. Specifically, The Examiner contends that the base stations of Suonvieri correspond to the claimed network elements and the testing equipment STM corresponds to the claimed terminals.

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Suonvieri discloses a system to test base stations by using a single STM to test a local base station and remote base stations (see col. 2, lines 20-24 and col. 3, lines 30-35). Although the STM can perform remote testing of base stations, Suonvieri does not disclose or suggest a remote terminal to simulate the functions of a STM. The STM is locally connected to a base station (see Fig. 1). As set forth in claim 1, there are at least two claimed terminals (local and remote). Therefore, Applicant submits that Suonvieri does not disclose “one or more terminals placed remotely and simulating the functions of [the] terminals located at [the] network elements” as set forth in claim 1.

Thus, Applicant respectfully submits that independent claim 1 is patentable over Suonvieri for at least these reasons. Further, Applicant respectfully submits that dependent claims 7, 9 and 10 are allowable, at least by virtue of their dependency on claim 1.

Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

### **3. Claim Rejections Under 35 U.S.C. § 103**

The Examiner has rejected claims 2-5, 8, 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Suonvieri in view of LaRosa et al. (US 6,628,965) (“LaRosa”). For at least the following reasons, Applicant traverses the rejection.

LaRosa relates to a method and system for managing wireless devices connected to a computer (see col. 1, lines 22-27). LaRosa does not disclose “one or more terminals placed remotely and simulating the functions of [the] terminals located at [the] network elements.”

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Because claims 2-5, 8, 11 and 12 are dependent on claim 1 and LaRosa does not cure the deficient teachings of Suonvieri with respect to claim 1, Applicant submits that these claims are patentable at least by virtue of their dependency.

In addition, claim 2 recites a method for management of telecommunications network elements “wherein said remotely placed terminals comprise mobile terminals connected to said management system through one or more networks, for instance GSM and Internet, and using WAP or UMTS communication protocols.” The Examiner previously contends that the OMC of Suonvieri corresponds to the claimed management systems, but now contends that module 39 of LaRosa corresponds to the claimed management systems. The Examiner gives no explanation as to why the one skilled in the art would correlate the OMC of Suonvieri and monitor 39 of LaRosa. The Examiner also contends that palm-based PCs and PDAs correspond to the claimed mobile terminal.

The Examiner contends that it would have been obvious to combine the references in order to use remote terminals to connect to a wireless protocol (internet) for the purpose of allowing the user to operate and manage a telecommunications system. Applicant disagrees.

As stated in claim 1, Suonvieri does not even disclose a remote terminal. Therefore, there is no motivation or suggestion in Suonvieri to use the PDAs or palm-based PCs of LaRosa.

However, to the extent Suonvieri does disclose a terminal (STM), it is only for the testing of a base station. There is no disclosure or suggestion in Suonvieri that the terminal (STM) is capable of managing the operation and control of a telecommunication system as set forth in the claimed combination. In fact, there is no disclosure that the STM even communicates with the

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operations and maintenance center (OMC) which operates and configures the base station. Therefore, Applicant submits that any speculation that the STM would allow the user to operate and manage a telecommunications system is pure hindsight reconstruction and the Examiner's proffered reason is not supported.

In addition, the Examiner contends that LaRosa's "middleware" reads on the claimed WAP protocol. Even if, for the sake of argument alone, this contention is accurate, LaRosa teaches away from the use of middleware (see col. 2, lines 3-52). Therefore, Applicant submits that one skilled in the art would not have combined the references as suggested by the Examiner.

Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

The Examiner has rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Suonvieri in view of LaRosa and further in view of Barker et al. (US 6,363,421) ["Barker"]. For at least the following reason, Applicant traverses the rejection.

Barker relates to the management of network elements using a computer internet (see col. 1, lines 24-27). However, Barker also does not disclose "one or more terminals placed remotely and simulating the functions of [the] terminals located at [the] network elements" since Barker does not disclose terminals at the network elements.

Because claim 6 depends on claim 1 and Barker does not cure the deficient teachings of Suonvieri and LaRosa with respect to claim 1, Applicant submits that this claim is patentable at least by virtue of its dependency.

Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

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#### 4. New Claims

With this amendment, Applicant adds claims 13 and 14. For the reasons stated above, Applicant submits that these claims are patentable at least by virtue of the feature "at least one remote terminal simulating the first management functions of said at least one local terminal" which is recited in both claims.

#### 5. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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